

1 Murder 1 (RCW 9A.32.030)
2 XIV Murder 2 (RCW 9A.32.050)
3 Trafficking 1 (RCW 9A.40.100(1))
4 XIII Malicious explosion 2 (RCW
5 70.74.280(2))
6 Malicious placement of an explosive 1
7 (RCW 70.74.270(1))
8 XII Assault 1 (RCW 9A.36.011)
9 Assault of a Child 1 (RCW 9A.36.120)
10 Malicious placement of an imitation
11 device 1 (RCW 70.74.272(1)(a))
12 Rape 1 (RCW 9A.44.040)
13 Rape of a Child 1 (RCW 9A.44.073)
14 Trafficking 2 (RCW 9A.40.100(2))
15 XI Manslaughter 1 (RCW 9A.32.060)
16 Rape 2 (RCW 9A.44.050)
17 Rape of a Child 2 (RCW 9A.44.076)
18 Vehicular Homicide, by being under
19 the influence of intoxicating liquor
20 or any drug (RCW 46.61.520)
21 X Child Molestation 1 (RCW 9A.44.083)
22 Indecent Liberties (with forcible
23 compulsion) (RCW
24 9A.44.100(1)(a))
25 Kidnapping 1 (RCW 9A.40.020)
26 Leading Organized Crime (RCW
27 9A.82.060(1)(a))
28 Malicious explosion 3 (RCW
29 70.74.280(3))
30 Sexually Violent Predator Escape
31 (RCW 9A.76.115)
32 Vehicular Homicide, by the operation
33 of any vehicle in a reckless manner
34 (RCW 46.61.520)
35 IX Abandonment of Dependent Person 1
36 (RCW 9A.42.060)
37 Assault of a Child 2 (RCW 9A.36.130)

1 Criminal Mistreatment 1 (RCW
2 9A.42.020)
3 Explosive devices prohibited (RCW
4 70.74.180)
5 Hit and Run--Death (RCW
6 46.52.020(4)(a))
7 Homicide by Watercraft, by being
8 under the influence of intoxicating
9 liquor or any drug (RCW
10 79A.60.050)
11 Inciting Criminal Profiteering (RCW
12 9A.82.060(1)(b))
13 Malicious placement of an explosive 2
14 (RCW 70.74.270(2))
15 Robbery 1 (RCW 9A.56.200)
16 Sexual Exploitation (RCW 9.68A.040)
17 ~~((Vehicular Homicide, by being under
18 the influence of intoxicating liquor
19 or any drug (RCW 46.61.520)))~~
20 VIII Arson 1 (RCW 9A.48.020)
21 Homicide by Watercraft, by the
22 operation of any vessel in a
23 reckless manner (RCW
24 79A.60.050)
25 Manslaughter 2 (RCW 9A.32.070)
26 Promoting Prostitution 1 (RCW
27 9A.88.070)
28 Theft of Ammonia (RCW 69.55.010)
29 ~~((Vehicular Homicide, by the operation
30 of any vehicle in a reckless manner
31 (RCW 46.61.520)))~~
32 Vehicular Homicide, by disregard for
33 the safety of others (RCW
34 46.61.520)
35 VII Burglary 1 (RCW 9A.52.020)
36 Child Molestation 2 (RCW 9A.44.086)

1 Civil Disorder Training (RCW
2 9A.48.120)
3 Dealing in depictions of minor engaged
4 in sexually explicit conduct (RCW
5 9.68A.050)
6 Drive-by Shooting (RCW 9A.36.045)
7 Homicide by Watercraft, by disregard
8 for the safety of others (RCW
9 79A.60.050)
10 Indecent Liberties (without forcible
11 compulsion) (RCW 9A.44.100(1)
12 (b) and (c))
13 Introducing Contraband 1 (RCW
14 9A.76.140)
15 Malicious placement of an explosive 3
16 (RCW 70.74.270(3))
17 Negligently Causing Death By Use of a
18 Signal Preemption Device (RCW
19 46.37.675)
20 Sending, bringing into state depictions
21 of minor engaged in sexually
22 explicit conduct (RCW 9.68A.060)
23 Unlawful Possession of a Firearm in
24 the first degree (RCW 9.41.040(1))
25 Use of a Machine Gun in Commission
26 of a Felony (RCW 9.41.225)
27 ~~((Vehicular Homicide, by disregard for
28 the safety of others (RCW
29 46.61.520)))~~
30 Vehicular Assault, by being under the
31 influence of intoxicating liquor or
32 any drug (RCW 46.61.522)
33 VI Bail Jumping with Murder 1 (RCW
34 9A.76.170(3)(a))
35 Bribery (RCW 9A.68.010)
36 Incest 1 (RCW 9A.64.020(1))
37 Intimidating a Judge (RCW 9A.72.160)

1 Intimidating a Juror/Witness (RCW
2 9A.72.110, 9A.72.130)
3 Malicious placement of an imitation
4 device 2 (RCW 70.74.272(1)(b))
5 Possession of Depictions of a Minor
6 Engaged in Sexually Explicit
7 Conduct (RCW 9.68A.070)
8 Rape of a Child 3 (RCW 9A.44.079)
9 Theft of a Firearm (RCW 9A.56.300)
10 Unlawful Storage of Ammonia (RCW
11 69.55.020)
12 Vehicular Assault, by the operation or
13 driving of a vehicle in a reckless
14 manner (RCW 46.61.522)
15 V Abandonment of Dependent Person 2
16 (RCW 9A.42.070)
17 Advancing money or property for
18 extortionate extension of credit
19 (RCW 9A.82.030)
20 Bail Jumping with class A Felony
21 (RCW 9A.76.170(3)(b))
22 Child Molestation 3 (RCW 9A.44.089)
23 Criminal Mistreatment 2 (RCW
24 9A.42.030)
25 Custodial Sexual Misconduct 1 (RCW
26 9A.44.160)
27 Domestic Violence Court Order
28 Violation (RCW 10.99.040,
29 10.99.050, 26.09.300, 26.10.220,
30 26.26.138, 26.50.110, 26.52.070,
31 or 74.34.145)
32 Driving While Under the Influence
33 (RCW 46.61.502(6))
34 Extortion 1 (RCW 9A.56.120)
35 Extortionate Extension of Credit (RCW
36 9A.82.020)

1 Extortionate Means to Collect
2 Extensions of Credit (RCW
3 9A.82.040)
4 Incest 2 (RCW 9A.64.020(2))
5 Kidnapping 2 (RCW 9A.40.030)
6 Perjury 1 (RCW 9A.72.020)
7 Persistent prison misbehavior (RCW
8 9.94.070)
9 Physical Control of a Vehicle While
10 Under the Influence (RCW
11 46.61.504(6))
12 Possession of a Stolen Firearm (RCW
13 9A.56.310)
14 Rape 3 (RCW 9A.44.060)
15 Rendering Criminal Assistance 1
16 (RCW 9A.76.070)
17 Sexual Misconduct with a Minor 1
18 (RCW 9A.44.093)
19 Sexually Violating Human Remains
20 (RCW 9A.44.105)
21 Stalking (RCW 9A.46.110)
22 Taking Motor Vehicle Without
23 Permission 1 (RCW 9A.56.070)
24 IV Arson 2 (RCW 9A.48.030)
25 Assault 2 (RCW 9A.36.021)
26 Assault 3 (of a Peace Officer with a
27 Projectile Stun Gun) (RCW
28 9A.36.031(1)(h))
29 Assault by Watercraft (RCW
30 79A.60.060)
31 Bribing a Witness/Bribe Received by
32 Witness (RCW 9A.72.090,
33 9A.72.100)
34 Cheating 1 (RCW 9.46.1961)
35 Commercial Bribery (RCW 9A.68.060)
36 Counterfeiting (RCW 9.16.035(4))

1 Use of Proceeds of Criminal
2 Profiteering (RCW 9A.82.080 (1)
3 and (2))
4 (~~Vehicular Assault, by being under the
5 influence of intoxicating liquor or
6 any drug, or by the operation or
7 driving of a vehicle in a reckless
8 manner (RCW 46.61.522))~~)
9 Vehicular Assault, by the operation or
10 driving of a vehicle with disregard
11 for the safety of others (RCW
12 46.61.522)
13 Willful Failure to Return from
14 Furlough (RCW 72.66.060)
15 III Animal Cruelty 1 (Sexual Conduct or
16 Contact) (RCW 16.52.205(3))
17 Assault 3 (Except Assault 3 of a Peace
18 Officer With a Projectile Stun
19 Gun) (RCW 9A.36.031 except
20 subsection (1)(h))
21 Assault of a Child 3 (RCW 9A.36.140)
22 Bail Jumping with class B or C Felony
23 (RCW 9A.76.170(3)(c))
24 Burglary 2 (RCW 9A.52.030)
25 Communication with a Minor for
26 Immoral Purposes (RCW
27 9.68A.090)
28 Criminal Gang Intimidation (RCW
29 9A.46.120)
30 Custodial Assault (RCW 9A.36.100)
31 Cyberstalking (subsequent conviction
32 or threat of death) (RCW
33 9.61.260(3))
34 Escape 2 (RCW 9A.76.120)
35 Extortion 2 (RCW 9A.56.130)
36 Harassment (RCW 9A.46.020)

1 Intimidating a Public Servant (RCW
2 9A.76.180)
3 Introducing Contraband 2 (RCW
4 9A.76.150)
5 Malicious Injury to Railroad Property
6 (RCW 81.60.070)
7 Negligently Causing Substantial Bodily
8 Harm By Use of a Signal
9 Preemption Device (RCW
10 46.37.674)
11 Organized Retail Theft 1 (RCW
12 9A.56.350(2))
13 Patronizing a Juvenile Prostitute (RCW
14 9.68A.100)
15 Perjury 2 (RCW 9A.72.030)
16 Possession of Incendiary Device (RCW
17 9.40.120)
18 Possession of Machine Gun or Short-
19 Barreled Shotgun or Rifle (RCW
20 9.41.190)
21 Promoting Prostitution 2 (RCW
22 9A.88.080)
23 (~~(Retail)~~) Retail Theft with
24 Extenuating Circumstances 1
25 (RCW 9A.56.360(2))
26 Securities Act violation (RCW
27 21.20.400)
28 Tampering with a Witness (RCW
29 9A.72.120)
30 Telephone Harassment (subsequent
31 conviction or threat of death)
32 (RCW 9.61.230(2))
33 Theft of Livestock 2 (RCW 9A.56.083)
34 Theft with the Intent to Resell 1 (RCW
35 9A.56.340(2))
36 Trafficking in Stolen Property 2 (RCW
37 9A.82.055)

1 Unlawful Imprisonment (RCW
2 9A.40.040)
3 Unlawful possession of firearm in the
4 second degree (RCW 9A.41.040(2))
5 (~~(Vehicular Assault, by the operation or~~
6 ~~driving of a vehicle with disregard~~
7 ~~for the safety of others (RCW~~
8 ~~46.61.522)))
9 Willful Failure to Return from Work
10 Release (RCW 72.65.070)
11 II Computer Trespass 1 (RCW
12 9A.52.110)
13 Counterfeiting (RCW 9.16.035(3))
14 Escape from Community Custody
15 (RCW 72.09.310)
16 Failure to Register as a Sex Offender
17 (second or subsequent offense)
18 (RCW 9A.44.130(10)(a))
19 Health Care False Claims (RCW
20 48.80.030)
21 Identity Theft 2 (RCW 9.35.020(3))
22 Improperly Obtaining Financial
23 Information (RCW 9.35.010)
24 Malicious Mischief 1 (RCW
25 9A.48.070)
26 Organized Retail Theft 2 (RCW
27 9A.56.350(3))
28 Possession of Stolen Property 1 (RCW
29 9A.56.150)
30 (~~(Retail))~~ Retail Theft with
31 Extenuating Circumstances 2
32 (RCW 9A.56.360(3))
33 Theft 1 (RCW 9A.56.030)
34 Theft of Rental, Leased, or Lease-
35 purchased Property (valued at one
36 thousand five hundred dollars or
37 more) (RCW 9A.56.096(5)(a))~~

1 Theft with the Intent to Resell 2 (RCW
2 9A.56.340(3))
3 Trafficking in Insurance Claims (RCW
4 48.30A.015)
5 Unlawful factoring of a credit card or
6 payment card transaction (RCW
7 9A.56.290(4)(a))
8 Unlawful Practice of Law (RCW
9 2.48.180)
10 Unlicensed Practice of a Profession or
11 Business (RCW 18.130.190(7))
12 Voyeurism (RCW 9A.44.115)
13 I Attempting to Elude a Pursuing Police
14 Vehicle (RCW 46.61.024)
15 False Verification for Welfare (RCW
16 74.08.055)
17 Forgery (RCW 9A.60.020)
18 Fraudulent Creation or Revocation of a
19 Mental Health Advance Directive
20 (RCW 9A.60.060)
21 Malicious Mischief 2 (RCW
22 9A.48.080)
23 Mineral Trespass (RCW 78.44.330)
24 Possession of Stolen Property 2 (RCW
25 9A.56.160)
26 Reckless Burning 1 (RCW 9A.48.040)
27 Taking Motor Vehicle Without
28 Permission 2 (RCW 9A.56.075)
29 Theft 2 (RCW 9A.56.040)
30 Theft of Rental, Leased, or Lease-
31 purchased Property (valued at two
32 hundred fifty dollars or more but
33 less than one thousand five
34 hundred dollars) (RCW
35 9A.56.096(5)(b))

1 Transaction of insurance business
2 beyond the scope of licensure
3 (RCW 48.17.063(4))
4 Unlawful Issuance of Checks or Drafts
5 (RCW 9A.56.060)
6 Unlawful Possession of Fictitious
7 Identification (RCW 9A.56.320)
8 Unlawful Possession of Instruments of
9 Financial Fraud (RCW 9A.56.320)
10 Unlawful Possession of Payment
11 Instruments (RCW 9A.56.320)
12 Unlawful Possession of a Personal
13 Identification Device (RCW
14 9A.56.320)
15 Unlawful Production of Payment
16 Instruments (RCW 9A.56.320)
17 Unlawful Trafficking in Food Stamps
18 (RCW 9.91.142)
19 Unlawful Use of Food Stamps (RCW
20 9.91.144)
21 Vehicle Prowl 1 (RCW 9A.52.095)

22 **Sec. 2.** RCW 9.94A.030 and 2006 c 139 s 5, 2006 c 124 s 1, 2006 c
23 122 s 7, and 2006 c 73 s 5 are each reenacted and amended to read as
24 follows:

25 Unless the context clearly requires otherwise, the definitions in
26 this section apply throughout this chapter.

27 (1) "Board" means the indeterminate sentence review board created
28 under chapter 9.95 RCW.

29 (2) "Collect," or any derivative thereof, "collect and remit," or
30 "collect and deliver," when used with reference to the department,
31 means that the department, either directly or through a collection
32 agreement authorized by RCW 9.94A.760, is responsible for monitoring
33 and enforcing the offender's sentence with regard to the legal
34 financial obligation, receiving payment thereof from the offender, and,
35 consistent with current law, delivering daily the entire payment to the
36 superior court clerk without depositing it in a departmental account.

37 (3) "Commission" means the sentencing guidelines commission.

1 (4) "Community corrections officer" means an employee of the
2 department who is responsible for carrying out specific duties in
3 supervision of sentenced offenders and monitoring of sentence
4 conditions.

5 (5) "Community custody" means that portion of an offender's
6 sentence of confinement in lieu of earned release time or imposed
7 pursuant to RCW 9.94A.505(2)(b), 9.94A.650 through 9.94A.670,
8 9.94A.690, 9.94A.700 through 9.94A.715, or 9.94A.545, served in the
9 community subject to controls placed on the offender's movement and
10 activities by the department. For offenders placed on community
11 custody for crimes committed on or after July 1, 2000, the department
12 shall assess the offender's risk of reoffense and may establish and
13 modify conditions of community custody, in addition to those imposed by
14 the court, based upon the risk to community safety.

15 (6) "Community custody range" means the minimum and maximum period
16 of community custody included as part of a sentence under RCW
17 9.94A.715, as established by the commission or the legislature under
18 RCW 9.94A.850, for crimes committed on or after July 1, 2000.

19 (7) "Community placement" means that period during which the
20 offender is subject to the conditions of community custody and/or
21 postrelease supervision, which begins either upon completion of the
22 term of confinement (postrelease supervision) or at such time as the
23 offender is transferred to community custody in lieu of earned release.
24 Community placement may consist of entirely community custody, entirely
25 postrelease supervision, or a combination of the two.

26 (8) "Community protection zone" means the area within eight hundred
27 eighty feet of the facilities and grounds of a public or private
28 school.

29 (9) "Community restitution" means compulsory service, without
30 compensation, performed for the benefit of the community by the
31 offender.

32 (10) "Community supervision" means a period of time during which a
33 convicted offender is subject to crime-related prohibitions and other
34 sentence conditions imposed by a court pursuant to this chapter or RCW
35 16.52.200(6) or 46.61.524. Where the court finds that any offender has
36 a chemical dependency that has contributed to his or her offense, the
37 conditions of supervision may, subject to available resources, include
38 treatment. For purposes of the interstate compact for out-of-state

1 supervision of parolees and probationers, RCW 9.95.270, community
2 supervision is the functional equivalent of probation and should be
3 considered the same as probation by other states.

4 (11) "Confinement" means total or partial confinement.

5 (12) "Conviction" means an adjudication of guilt pursuant to Titles
6 10 or 13 RCW and includes a verdict of guilty, a finding of guilty, and
7 acceptance of a plea of guilty.

8 (13) "Crime-related prohibition" means an order of a court
9 prohibiting conduct that directly relates to the circumstances of the
10 crime for which the offender has been convicted, and shall not be
11 construed to mean orders directing an offender affirmatively to
12 participate in rehabilitative programs or to otherwise perform
13 affirmative conduct. However, affirmative acts necessary to monitor
14 compliance with the order of a court may be required by the department.

15 (14) "Criminal history" means the list of a defendant's prior
16 convictions and juvenile adjudications, whether in this state, in
17 federal court, or elsewhere.

18 (a) The history shall include, where known, for each conviction (i)
19 whether the defendant has been placed on probation and the length and
20 terms thereof; and (ii) whether the defendant has been incarcerated and
21 the length of incarceration.

22 (b) A conviction may be removed from a defendant's criminal history
23 only if it is vacated pursuant to RCW 9.96.060, 9.94A.640, 9.95.240, or
24 a similar out-of-state statute, or if the conviction has been vacated
25 pursuant to a governor's pardon.

26 (c) The determination of a defendant's criminal history is distinct
27 from the determination of an offender score. A prior conviction that
28 was not included in an offender score calculated pursuant to a former
29 version of the sentencing reform act remains part of the defendant's
30 criminal history.

31 (15) "Day fine" means a fine imposed by the sentencing court that
32 equals the difference between the offender's net daily income and the
33 reasonable obligations that the offender has for the support of the
34 offender and any dependents.

35 (16) "Day reporting" means a program of enhanced supervision
36 designed to monitor the offender's daily activities and compliance with
37 sentence conditions, and in which the offender is required to report

1 daily to a specific location designated by the department or the
2 sentencing court.

3 (17) "Department" means the department of corrections.

4 (18) "Determinate sentence" means a sentence that states with
5 exactitude the number of actual years, months, or days of total
6 confinement, of partial confinement, of community supervision, the
7 number of actual hours or days of community restitution work, or
8 dollars or terms of a legal financial obligation. The fact that an
9 offender through earned release can reduce the actual period of
10 confinement shall not affect the classification of the sentence as a
11 determinate sentence.

12 (19) "Disposable earnings" means that part of the earnings of an
13 offender remaining after the deduction from those earnings of any
14 amount required by law to be withheld. For the purposes of this
15 definition, "earnings" means compensation paid or payable for personal
16 services, whether denominated as wages, salary, commission, bonuses, or
17 otherwise, and, notwithstanding any other provision of law making the
18 payments exempt from garnishment, attachment, or other process to
19 satisfy a court-ordered legal financial obligation, specifically
20 includes periodic payments pursuant to pension or retirement programs,
21 or insurance policies of any type, but does not include payments made
22 under Title 50 RCW, except as provided in RCW 50.40.020 and 50.40.050,
23 or Title 74 RCW.

24 (20) "Drug offender sentencing alternative" is a sentencing option
25 available to persons convicted of a felony offense other than a violent
26 offense or a sex offense and who are eligible for the option under RCW
27 9.94A.660.

28 (21) "Drug offense" means:

29 (a) Any felony violation of chapter 69.50 RCW except possession of
30 a controlled substance (RCW 69.50.4013) or forged prescription for a
31 controlled substance (RCW 69.50.403);

32 (b) Any offense defined as a felony under federal law that relates
33 to the possession, manufacture, distribution, or transportation of a
34 controlled substance; or

35 (c) Any out-of-state conviction for an offense that under the laws
36 of this state would be a felony classified as a drug offense under (a)
37 of this subsection.

1 (22) "Earned release" means earned release from confinement as
2 provided in RCW 9.94A.728.

3 (23) "Escape" means:

4 (a) Sexually violent predator escape (RCW 9A.76.115), escape in the
5 first degree (RCW 9A.76.110), escape in the second degree (RCW
6 9A.76.120), willful failure to return from furlough (RCW 72.66.060),
7 willful failure to return from work release (RCW 72.65.070), or willful
8 failure to be available for supervision by the department while in
9 community custody (RCW 72.09.310); or

10 (b) Any federal or out-of-state conviction for an offense that
11 under the laws of this state would be a felony classified as an escape
12 under (a) of this subsection.

13 (24) "Felony traffic offense" means:

14 (a) Vehicular homicide (RCW 46.61.520), vehicular assault (RCW
15 46.61.522), eluding a police officer (RCW 46.61.024), felony hit-and-
16 run injury-accident (RCW 46.52.020(4)), felony driving while under the
17 influence of intoxicating liquor or any drug (RCW 46.61.502(6)), or
18 felony physical control of a vehicle while under the influence of
19 intoxicating liquor or any drug (RCW 46.61.504(6)); or

20 (b) Any federal or out-of-state conviction for an offense that
21 under the laws of this state would be a felony classified as a felony
22 traffic offense under (a) of this subsection.

23 (25) "Fine" means a specific sum of money ordered by the sentencing
24 court to be paid by the offender to the court over a specific period of
25 time.

26 (26) "First-time offender" means any person who has no prior
27 convictions for a felony and is eligible for the first-time offender
28 waiver under RCW 9.94A.650.

29 (27) "Home detention" means a program of partial confinement
30 available to offenders wherein the offender is confined in a private
31 residence subject to electronic surveillance.

32 (28) "Legal financial obligation" means a sum of money that is
33 ordered by a superior court of the state of Washington for legal
34 financial obligations which may include restitution to the victim,
35 statutorily imposed crime victims' compensation fees as assessed
36 pursuant to RCW 7.68.035, court costs, county or interlocal drug funds,
37 court-appointed attorneys' fees, and costs of defense, fines, and any
38 other financial obligation that is assessed to the offender as a result

1 of a felony conviction. Upon conviction for vehicular assault while
2 under the influence of intoxicating liquor or any drug, RCW
3 46.61.522(1)(b), or vehicular homicide while under the influence of
4 intoxicating liquor or any drug, RCW 46.61.520(1)(a), legal financial
5 obligations may also include payment to a public agency of the expense
6 of an emergency response to the incident resulting in the conviction,
7 subject to RCW 38.52.430.

8 (29) "Most serious offense" means any of the following felonies or
9 a felony attempt to commit any of the following felonies:

10 (a) Any felony defined under any law as a class A felony or
11 criminal solicitation of or criminal conspiracy to commit a class A
12 felony;

13 (b) Assault in the second degree;

14 (c) Assault of a child in the second degree;

15 (d) Child molestation in the second degree;

16 (e) Controlled substance homicide;

17 (f) Extortion in the first degree;

18 (g) Incest when committed against a child under age fourteen;

19 (h) Indecent liberties;

20 (i) Kidnapping in the second degree;

21 (j) Leading organized crime;

22 (k) Manslaughter in the first degree;

23 (l) Manslaughter in the second degree;

24 (m) Promoting prostitution in the first degree;

25 (n) Rape in the third degree;

26 (o) Robbery in the second degree;

27 (p) Sexual exploitation;

28 (q) Vehicular assault, when caused by the operation or driving of
29 a vehicle by a person while under the influence of intoxicating liquor
30 or any drug or by the operation or driving of a vehicle in a reckless
31 manner;

32 (r) Vehicular homicide, when proximately caused by the driving of
33 any vehicle by any person while under the influence of intoxicating
34 liquor or any drug as defined by RCW 46.61.502, or by the operation of
35 any vehicle in a reckless manner;

36 (s) Any other class B felony offense with a finding of sexual
37 motivation;

1 (t) Any other felony with a deadly weapon verdict under RCW
2 9.94A.602;

3 (u) Any felony offense in effect at any time prior to December 2,
4 1993, that is comparable to a most serious offense under this
5 subsection, or any federal or out-of-state conviction for an offense
6 that under the laws of this state would be a felony classified as a
7 most serious offense under this subsection;

8 (v)(i) A prior conviction for indecent liberties under RCW
9 9A.88.100(1) (a), (b), and (c), chapter 260, Laws of 1975 1st ex. sess.
10 as it existed until July 1, 1979, RCW 9A.44.100(1) (a), (b), and (c) as
11 it existed from July 1, 1979, until June 11, 1986, and RCW 9A.44.100(1)
12 (a), (b), and (d) as it existed from June 11, 1986, until July 1, 1988;

13 (ii) A prior conviction for indecent liberties under RCW
14 9A.44.100(1)(c) as it existed from June 11, 1986, until July 1, 1988,
15 if: (A) The crime was committed against a child under the age of
16 fourteen; or (B) the relationship between the victim and perpetrator is
17 included in the definition of indecent liberties under RCW
18 9A.44.100(1)(c) as it existed from July 1, 1988, through July 27, 1997,
19 or RCW 9A.44.100(1) (d) or (e) as it existed from July 25, 1993,
20 through July 27, 1997.

21 (30) "Nonviolent offense" means an offense which is not a violent
22 offense.

23 (31) "Offender" means a person who has committed a felony
24 established by state law and is eighteen years of age or older or is
25 less than eighteen years of age but whose case is under superior court
26 jurisdiction under RCW 13.04.030 or has been transferred by the
27 appropriate juvenile court to a criminal court pursuant to RCW
28 13.40.110. Throughout this chapter, the terms "offender" and
29 "defendant" are used interchangeably.

30 (32) "Partial confinement" means confinement for no more than one
31 year in a facility or institution operated or utilized under contract
32 by the state or any other unit of government, or, if home detention or
33 work crew has been ordered by the court, in an approved residence, for
34 a substantial portion of each day with the balance of the day spent in
35 the community. Partial confinement includes work release, home
36 detention, work crew, and a combination of work crew and home
37 detention.

38 (33) "Persistent offender" is an offender who:

1 (a)(i) Has been convicted in this state of any felony considered a
2 most serious offense; and

3 (ii) Has, before the commission of the offense under (a) of this
4 subsection, been convicted as an offender on at least two separate
5 occasions, whether in this state or elsewhere, of felonies that under
6 the laws of this state would be considered most serious offenses and
7 would be included in the offender score under RCW 9.94A.525; provided
8 that of the two or more previous convictions, at least one conviction
9 must have occurred before the commission of any of the other most
10 serious offenses for which the offender was previously convicted; or

11 (b)(i) Has been convicted of: (A) Rape in the first degree, rape
12 of a child in the first degree, child molestation in the first degree,
13 rape in the second degree, rape of a child in the second degree, or
14 indecent liberties by forcible compulsion; (B) any of the following
15 offenses with a finding of sexual motivation: Murder in the first
16 degree, murder in the second degree, homicide by abuse, kidnapping in
17 the first degree, kidnapping in the second degree, assault in the first
18 degree, assault in the second degree, assault of a child in the first
19 degree, assault of a child in the second degree, or burglary in the
20 first degree; or (C) an attempt to commit any crime listed in this
21 subsection (33)(b)(i); and

22 (ii) Has, before the commission of the offense under (b)(i) of this
23 subsection, been convicted as an offender on at least one occasion,
24 whether in this state or elsewhere, of an offense listed in (b)(i) of
25 this subsection or any federal or out-of-state offense or offense under
26 prior Washington law that is comparable to the offenses listed in
27 (b)(i) of this subsection. A conviction for rape of a child in the
28 first degree constitutes a conviction under (b)(i) of this subsection
29 only when the offender was sixteen years of age or older when the
30 offender committed the offense. A conviction for rape of a child in
31 the second degree constitutes a conviction under (b)(i) of this
32 subsection only when the offender was eighteen years of age or older
33 when the offender committed the offense.

34 (34) "Postrelease supervision" is that portion of an offender's
35 community placement that is not community custody.

36 (35) "Predatory" means: (a) The perpetrator of the crime was a
37 stranger to the victim, as defined in this section; (b) the perpetrator
38 established or promoted a relationship with the victim prior to the

1 offense and the victimization of the victim was a significant reason
2 the perpetrator established or promoted the relationship; or (c) the
3 perpetrator was: (i) A teacher, counselor, volunteer, or other person
4 in authority in any public or private school and the victim was a
5 student of the school under his or her authority or supervision. For
6 purposes of this subsection, "school" does not include home-based
7 instruction as defined in RCW 28A.225.010; (ii) a coach, trainer,
8 volunteer, or other person in authority in any recreational activity
9 and the victim was a participant in the activity under his or her
10 authority or supervision; or (iii) a pastor, elder, volunteer, or other
11 person in authority in any church or religious organization, and the
12 victim was a member or participant of the organization under his or her
13 authority.

14 (36) "Private school" means a school regulated under chapter
15 28A.195 or 28A.205 RCW.

16 (37) "Public school" has the same meaning as in RCW 28A.150.010.

17 (38) "Restitution" means a specific sum of money ordered by the
18 sentencing court to be paid by the offender to the court over a
19 specified period of time as payment of damages. The sum may include
20 both public and private costs.

21 (39) "Risk assessment" means the application of an objective
22 instrument supported by research and adopted by the department for the
23 purpose of assessing an offender's risk of reoffense, taking into
24 consideration the nature of the harm done by the offender, place and
25 circumstances of the offender related to risk, the offender's
26 relationship to any victim, and any information provided to the
27 department by victims. The results of a risk assessment shall not be
28 based on unconfirmed or unconfirmable allegations.

29 (40) "Serious traffic offense" means:

30 (a) Nonfelony driving while under the influence of intoxicating
31 liquor or any drug (RCW 46.61.502), nonfelony actual physical control
32 while under the influence of intoxicating liquor or any drug (RCW
33 46.61.504), reckless driving (RCW 46.61.500), or hit-and-run an
34 attended vehicle (RCW 46.52.020(5)); or

35 (b) Any federal, out-of-state, county, or municipal conviction for
36 an offense that under the laws of this state would be classified as a
37 serious traffic offense under (a) of this subsection.

1 (41) "Serious violent offense" is a subcategory of violent offense
2 and means:
3 (a)(i) Murder in the first degree;
4 (ii) Homicide by abuse;
5 (iii) Murder in the second degree;
6 (iv) Manslaughter in the first degree;
7 (v) Assault in the first degree;
8 (vi) Kidnapping in the first degree;
9 (vii) Rape in the first degree;
10 (viii) Assault of a child in the first degree; or
11 (ix) An attempt, criminal solicitation, or criminal conspiracy to
12 commit one of these felonies; or
13 (b) Any federal or out-of-state conviction for an offense that
14 under the laws of this state would be a felony classified as a serious
15 violent offense under (a) of this subsection.
16 (42) "Sex offense" means:
17 (a)(i) A felony that is a violation of chapter 9A.44 RCW other than
18 RCW 9A.44.130(~~(+11)~~) (12);
19 (ii) A violation of RCW 9A.64.020;
20 (iii) A felony that is a violation of chapter 9.68A RCW other than
21 RCW 9.68A.080; or
22 (iv) A felony that is, under chapter 9A.28 RCW, a criminal attempt,
23 criminal solicitation, or criminal conspiracy to commit such crimes;
24 (b) Any conviction for a felony offense in effect at any time prior
25 to July 1, 1976, that is comparable to a felony classified as a sex
26 offense in (a) of this subsection;
27 (c) A felony with a finding of sexual motivation under RCW
28 9.94A.835 or 13.40.135; or
29 (d) Any federal or out-of-state conviction for an offense that
30 under the laws of this state would be a felony classified as a sex
31 offense under (a) of this subsection.
32 (43) "Sexual motivation" means that one of the purposes for which
33 the defendant committed the crime was for the purpose of his or her
34 sexual gratification.
35 (44) "Standard sentence range" means the sentencing court's
36 discretionary range in imposing a nonappealable sentence.
37 (45) "Statutory maximum sentence" means the maximum length of time

1 for which an offender may be confined as punishment for a crime as
2 prescribed in chapter 9A.20 RCW, RCW 9.92.010, the statute defining the
3 crime, or other statute defining the maximum penalty for a crime.

4 (46) "Stranger" means that the victim did not know the offender
5 twenty-four hours before the offense.

6 (47) "Total confinement" means confinement inside the physical
7 boundaries of a facility or institution operated or utilized under
8 contract by the state or any other unit of government for twenty-four
9 hours a day, or pursuant to RCW 72.64.050 and 72.64.060.

10 (48) "Transition training" means written and verbal instructions
11 and assistance provided by the department to the offender during the
12 two weeks prior to the offender's successful completion of the work
13 ethic camp program. The transition training shall include instructions
14 in the offender's requirements and obligations during the offender's
15 period of community custody.

16 (49) "Victim" means any person who has sustained emotional,
17 psychological, physical, or financial injury to person or property as
18 a direct result of the crime charged.

19 (50) "Violent offense" means:

20 (a) Any of the following felonies:

21 (i) Any felony defined under any law as a class A felony or an
22 attempt to commit a class A felony;

23 (ii) Criminal solicitation of or criminal conspiracy to commit a
24 class A felony;

25 (iii) Manslaughter in the first degree;

26 (iv) Manslaughter in the second degree;

27 (v) Indecent liberties if committed by forcible compulsion;

28 (vi) Kidnapping in the second degree;

29 (vii) Arson in the second degree;

30 (viii) Assault in the second degree;

31 (ix) Assault of a child in the second degree;

32 (x) Extortion in the first degree;

33 (xi) Robbery in the second degree;

34 (xii) Drive-by shooting;

35 (xiii) Vehicular assault(~~(, when caused by the operation or driving~~
36 ~~of a vehicle by a person while under the influence of intoxicating~~
37 ~~liquor or any drug or by the operation or driving of a vehicle in a~~
38 ~~reckless manner)); and~~

1 (xiv) Vehicular homicide(~~(, when proximately caused by the driving~~
2 ~~of any vehicle by any person while under the influence of intoxicating~~
3 ~~liquor or any drug as defined by RCW 46.61.502, or by the operation of~~
4 ~~any vehicle in a reckless manner))~~);

5 (b) Any conviction for a felony offense in effect at any time prior
6 to July 1, 1976, that is comparable to a felony classified as a violent
7 offense in (a) of this subsection; and

8 (c) Any federal or out-of-state conviction for an offense that
9 under the laws of this state would be a felony classified as a violent
10 offense under (a) or (b) of this subsection.

11 (51) "Work crew" means a program of partial confinement consisting
12 of civic improvement tasks for the benefit of the community that
13 complies with RCW 9.94A.725.

14 (52) "Work ethic camp" means an alternative incarceration program
15 as provided in RCW 9.94A.690 designed to reduce recidivism and lower
16 the cost of corrections by requiring offenders to complete a
17 comprehensive array of real-world job and vocational experiences,
18 character-building work ethics training, life management skills
19 development, substance abuse rehabilitation, counseling, literacy
20 training, and basic adult education.

21 (53) "Work release" means a program of partial confinement
22 available to offenders who are employed or engaged as a student in a
23 regular course of study at school.

24 **Sec. 3.** RCW 9.94A.533 and 2006 c 339 s 301 and 2006 c 123 s 1 are
25 each reenacted and amended to read as follows:

26 (1) The provisions of this section apply to the standard sentence
27 ranges determined by RCW 9.94A.510 or 9.94A.517.

28 (2) For persons convicted of the anticipatory offenses of criminal
29 attempt, solicitation, or conspiracy under chapter 9A.28 RCW, the
30 standard sentence range is determined by locating the sentencing grid
31 sentence range defined by the appropriate offender score and the
32 seriousness level of the completed crime, and multiplying the range by
33 seventy-five percent.

34 (3) The following additional times shall be added to the standard
35 sentence range for felony crimes committed after July 23, 1995, if the
36 offender or an accomplice was armed with a firearm as defined in RCW
37 9.41.010 and the offender is being sentenced for one of the crimes

1 listed in this subsection as eligible for any firearm enhancements
2 based on the classification of the completed felony crime. If the
3 offender is being sentenced for more than one offense, the firearm
4 enhancement or enhancements must be added to the total period of
5 confinement for all offenses, regardless of which underlying offense is
6 subject to a firearm enhancement. If the offender or an accomplice was
7 armed with a firearm as defined in RCW 9.41.010 and the offender is
8 being sentenced for an anticipatory offense under chapter 9A.28 RCW to
9 commit one of the crimes listed in this subsection as eligible for any
10 firearm enhancements, the following additional times shall be added to
11 the standard sentence range determined under subsection (2) of this
12 section based on the felony crime of conviction as classified under RCW
13 9A.28.020:

14 (a) Five years for any felony defined under any law as a class A
15 felony or with a statutory maximum sentence of at least twenty years,
16 or both, and not covered under (f) of this subsection;

17 (b) Three years for any felony defined under any law as a class B
18 felony or with a statutory maximum sentence of ten years, or both, and
19 not covered under (f) of this subsection;

20 (c) Eighteen months for any felony defined under any law as a class
21 C felony or with a statutory maximum sentence of five years, or both,
22 and not covered under (f) of this subsection;

23 (d) If the offender is being sentenced for any firearm enhancements
24 under (a), (b), and/or (c) of this subsection and the offender has
25 previously been sentenced for any deadly weapon enhancements after July
26 23, 1995, under (a), (b), and/or (c) of this subsection or subsection
27 (4)(a), (b), and/or (c) of this section, or both, all firearm
28 enhancements under this subsection shall be twice the amount of the
29 enhancement listed;

30 (e) Notwithstanding any other provision of law, all firearm
31 enhancements under this section are mandatory, shall be served in total
32 confinement, and shall run consecutively to all other sentencing
33 provisions, including other firearm or deadly weapon enhancements, for
34 all offenses sentenced under this chapter. However, whether or not a
35 mandatory minimum term has expired, an offender serving a sentence
36 under this subsection may be granted an extraordinary medical placement
37 when authorized under RCW 9.94A.728(4);

1 (f) The firearm enhancements in this section shall apply to all
2 felony crimes except the following: Possession of a machine gun,
3 possessing a stolen firearm, drive-by shooting, theft of a firearm,
4 unlawful possession of a firearm in the first and second degree, and
5 use of a machine gun in a felony;

6 (g) If the standard sentence range under this section exceeds the
7 statutory maximum sentence for the offense, the statutory maximum
8 sentence shall be the presumptive sentence unless the offender is a
9 persistent offender. If the addition of a firearm enhancement
10 increases the sentence so that it would exceed the statutory maximum
11 for the offense, the portion of the sentence representing the
12 enhancement may not be reduced.

13 (4) The following additional times shall be added to the standard
14 sentence range for felony crimes committed after July 23, 1995, if the
15 offender or an accomplice was armed with a deadly weapon other than a
16 firearm as defined in RCW 9.41.010 and the offender is being sentenced
17 for one of the crimes listed in this subsection as eligible for any
18 deadly weapon enhancements based on the classification of the completed
19 felony crime. If the offender is being sentenced for more than one
20 offense, the deadly weapon enhancement or enhancements must be added to
21 the total period of confinement for all offenses, regardless of which
22 underlying offense is subject to a deadly weapon enhancement. If the
23 offender or an accomplice was armed with a deadly weapon other than a
24 firearm as defined in RCW 9.41.010 and the offender is being sentenced
25 for an anticipatory offense under chapter 9A.28 RCW to commit one of
26 the crimes listed in this subsection as eligible for any deadly weapon
27 enhancements, the following additional times shall be added to the
28 standard sentence range determined under subsection (2) of this section
29 based on the felony crime of conviction as classified under RCW
30 9A.28.020:

31 (a) Two years for any felony defined under any law as a class A
32 felony or with a statutory maximum sentence of at least twenty years,
33 or both, and not covered under (f) of this subsection;

34 (b) One year for any felony defined under any law as a class B
35 felony or with a statutory maximum sentence of ten years, or both, and
36 not covered under (f) of this subsection;

37 (c) Six months for any felony defined under any law as a class C

1 felony or with a statutory maximum sentence of five years, or both, and
2 not covered under (f) of this subsection;

3 (d) If the offender is being sentenced under (a), (b), and/or (c)
4 of this subsection for any deadly weapon enhancements and the offender
5 has previously been sentenced for any deadly weapon enhancements after
6 July 23, 1995, under (a), (b), and/or (c) of this subsection or
7 subsection (3)(a), (b), and/or (c) of this section, or both, all deadly
8 weapon enhancements under this subsection shall be twice the amount of
9 the enhancement listed;

10 (e) Notwithstanding any other provision of law, all deadly weapon
11 enhancements under this section are mandatory, shall be served in total
12 confinement, and shall run consecutively to all other sentencing
13 provisions, including other firearm or deadly weapon enhancements, for
14 all offenses sentenced under this chapter. However, whether or not a
15 mandatory minimum term has expired, an offender serving a sentence
16 under this subsection may be granted an extraordinary medical placement
17 when authorized under RCW 9.94A.728(4);

18 (f) The deadly weapon enhancements in this section shall apply to
19 all felony crimes except the following: Possession of a machine gun,
20 possessing a stolen firearm, drive-by shooting, theft of a firearm,
21 unlawful possession of a firearm in the first and second degree, and
22 use of a machine gun in a felony;

23 (g) If the standard sentence range under this section exceeds the
24 statutory maximum sentence for the offense, the statutory maximum
25 sentence shall be the presumptive sentence unless the offender is a
26 persistent offender. If the addition of a deadly weapon enhancement
27 increases the sentence so that it would exceed the statutory maximum
28 for the offense, the portion of the sentence representing the
29 enhancement may not be reduced.

30 (5) The following additional times shall be added to the standard
31 sentence range if the offender or an accomplice committed the offense
32 while in a county jail or state correctional facility and the offender
33 is being sentenced for one of the crimes listed in this subsection. If
34 the offender or an accomplice committed one of the crimes listed in
35 this subsection while in a county jail or state correctional facility,
36 and the offender is being sentenced for an anticipatory offense under
37 chapter 9A.28 RCW to commit one of the crimes listed in this

1 subsection, the following additional times shall be added to the
2 standard sentence range determined under subsection (2) of this
3 section:

4 (a) Eighteen months for offenses committed under RCW 69.50.401(2)
5 (a) or (b) or 69.50.410;

6 (b) Fifteen months for offenses committed under RCW 69.50.401(2)
7 (c), (d), or (e);

8 (c) Twelve months for offenses committed under RCW 69.50.4013.

9 For the purposes of this subsection, all of the real property of a
10 state correctional facility or county jail shall be deemed to be part
11 of that facility or county jail.

12 (6) An additional twenty-four months shall be added to the standard
13 sentence range for any ranked offense involving a violation of chapter
14 69.50 RCW if the offense was also a violation of RCW 69.50.435 or
15 9.94A.605. All enhancements under this subsection shall run
16 consecutively to all other sentencing provisions, for all offenses
17 sentenced under this chapter.

18 (7) An additional (~~two~~) four years shall be added to the standard
19 sentence range for vehicular homicide committed while under the
20 influence of intoxicating liquor or any drug as defined by RCW
21 46.61.502, and an additional four years for each prior offense as
22 defined in RCW 46.61.5055. All enhancements under this subsection are
23 mandatory, shall be served in total confinement, and shall run
24 consecutively to all other sentencing provisions for all offenses
25 sentenced under this chapter. The total enhancement under this
26 subsection shall not exceed twelve years.

27 (8) An additional two years shall be added to the standard sentence
28 range for vehicular assault committed while under the influence of
29 intoxicating liquor or any drug as defined by RCW 46.61.502. All
30 enhancements under this subsection are mandatory, shall be served in
31 total confinement, and shall run consecutively to all other sentencing
32 provisions for all offenses sentenced under this chapter. The total
33 enhancement under this subsection shall not exceed six years.

34 (9)(a) The following additional times shall be added to the
35 standard sentence range for felony crimes committed on or after July 1,
36 2006, if the offense was committed with sexual motivation, as that term
37 is defined in RCW 9.94A.030. If the offender is being sentenced for
38 more than one offense, the sexual motivation enhancement must be added

1 to the total period of total confinement for all offenses, regardless
2 of which underlying offense is subject to a sexual motivation
3 enhancement. If the offender committed the offense with sexual
4 motivation and the offender is being sentenced for an anticipatory
5 offense under chapter 9A.28 RCW, the following additional times shall
6 be added to the standard sentence range determined under subsection (2)
7 of this section based on the felony crime of conviction as classified
8 under RCW 9A.28.020:

9 (i) Two years for any felony defined under the law as a class A
10 felony or with a statutory maximum sentence of at least twenty years,
11 or both;

12 (ii) Eighteen months for any felony defined under any law as a
13 class B felony or with a statutory maximum sentence of ten years, or
14 both;

15 (iii) One year for any felony defined under any law as a class C
16 felony or with a statutory maximum sentence of five years, or both;

17 (iv) If the offender is being sentenced for any sexual motivation
18 enhancements under (i), (ii), and/or (iii) of this subsection and the
19 offender has previously been sentenced for any sexual motivation
20 enhancements on or after July 1, 2006, under (i), (ii), and/or (iii) of
21 this subsection, all sexual motivation enhancements under this
22 subsection shall be twice the amount of the enhancement listed;

23 (b) Notwithstanding any other provision of law, all sexual
24 motivation enhancements under this subsection are mandatory, shall be
25 served in total confinement, and shall run consecutively to all other
26 sentencing provisions, including other sexual motivation enhancements,
27 for all offenses sentenced under this chapter. However, whether or not
28 a mandatory minimum term has expired, an offender serving a sentence
29 under this subsection may be granted an extraordinary medical placement
30 when authorized under RCW 9.94A.728(4);

31 (c) The sexual motivation enhancements in this subsection apply to
32 all felony crimes;

33 (d) If the standard sentence range under this subsection exceeds
34 the statutory maximum sentence for the offense, the statutory maximum
35 sentence shall be the presumptive sentence unless the offender is a
36 persistent offender. If the addition of a sexual motivation
37 enhancement increases the sentence so that it would exceed the

1 statutory maximum for the offense, the portion of the sentence
2 representing the enhancement may not be reduced;

3 (e) The portion of the total confinement sentence which the
4 offender must serve under this subsection shall be calculated before
5 any earned early release time is credited to the offender;

6 (f) Nothing in this subsection prevents a sentencing court from
7 imposing a sentence outside the standard sentence range pursuant to RCW
8 9.94A.535.

9 **Sec. 4.** RCW 46.61.520 and 1998 c 211 s 2 are each amended to read
10 as follows:

11 (1) When the death of any person ensues within three years as a
12 proximate result of injury proximately caused by the driving of any
13 vehicle by any person, the driver is guilty of vehicular homicide if
14 the driver was operating a motor vehicle:

15 (a) While under the influence of intoxicating liquor or any drug,
16 as defined by RCW 46.61.502; or

17 (b) In a reckless manner; or

18 (c) With disregard for the safety of others.

19 (2) Vehicular homicide is a class A felony punishable under chapter
20 9A.20 RCW, except that, for a conviction under subsection (1)(a) of
21 this section, there is a mandatory enhancement of four years for the
22 first offense and an additional (~~two~~) four years shall be added to
23 the sentence for each prior offense as defined in RCW 46.61.5055. The
24 total enhancement shall not exceed twelve years.

25 **Sec. 5.** RCW 46.61.522 and 2001 c 300 s 1 are each amended to read
26 as follows:

27 (1) A person is guilty of vehicular assault if he or she operates
28 or drives any vehicle:

29 (a) In a reckless manner and causes substantial bodily harm to
30 another; or

31 (b) While under the influence of intoxicating liquor or any drug,
32 as defined by RCW 46.61.502, and causes substantial bodily harm to
33 another; or

34 (c) With disregard for the safety of others and causes substantial
35 bodily harm to another.

1 (2) Vehicular assault is a class B felony punishable under chapter
2 9A.20 RCW, except that, for a conviction under subsection (1)(b) of
3 this section, there is a mandatory enhancement of two years for the
4 first offense and an additional two years shall be added to the
5 sentence for each prior offense as defined in RCW 46.61.5055. The
6 total enhancement shall not exceed six years.

7 (3) As used in this section, "substantial bodily harm" has the same
8 meaning as in RCW 9A.04.110.

9 **Sec. 6.** RCW 13.04.030 and 2005 c 290 s 1 and 2005 c 238 s 1 are
10 each reenacted and amended to read as follows:

11 (1) Except as provided in this section, the juvenile courts in this
12 state shall have exclusive original jurisdiction over all proceedings:

13 (a) Under the interstate compact on placement of children as
14 provided in chapter 26.34 RCW;

15 (b) Relating to children alleged or found to be dependent as
16 provided in chapter 26.44 RCW and in RCW 13.34.030 through
17 ~~((13.34.170))~~ 13.34.161;

18 (c) Relating to the termination of a parent and child relationship
19 as provided in RCW 13.34.180 through 13.34.210;

20 (d) To approve or disapprove out-of-home placement as provided in
21 RCW 13.32A.170;

22 (e) Relating to juveniles alleged or found to have committed
23 offenses, traffic or civil infractions, or violations as provided in
24 RCW 13.40.020 through 13.40.230, unless:

25 (i) The juvenile court transfers jurisdiction of a particular
26 juvenile to adult criminal court pursuant to RCW 13.40.110;

27 (ii) The statute of limitations applicable to adult prosecution for
28 the offense, traffic or civil infraction, or violation has expired;

29 (iii) The alleged offense or infraction is a traffic, fish,
30 boating, or game offense, or traffic or civil infraction committed by
31 a juvenile sixteen years of age or older and would, if committed by an
32 adult, be tried or heard in a court of limited jurisdiction, in which
33 instance the appropriate court of limited jurisdiction shall have
34 jurisdiction over the alleged offense or infraction, and no guardian ad
35 litem is required in any such proceeding due to the juvenile's age:
36 PROVIDED, That if such an alleged offense or infraction and an alleged
37 offense or infraction subject to juvenile court jurisdiction arise out

1 of the same event or incident, the juvenile court may have jurisdiction
2 of both matters: PROVIDED FURTHER, That the jurisdiction under this
3 subsection does not constitute "transfer" or a "decline" for purposes
4 of RCW 13.40.110(1) or (e)(i) of this subsection: PROVIDED FURTHER,
5 That courts of limited jurisdiction which confine juveniles for an
6 alleged offense or infraction may place juveniles in juvenile detention
7 facilities under an agreement with the officials responsible for the
8 administration of the juvenile detention facility in RCW 13.04.035 and
9 13.20.060;

10 (iv) The alleged offense is a traffic or civil infraction, a
11 violation of compulsory school attendance provisions under chapter
12 28A.225 RCW, or a misdemeanor, and a court of limited jurisdiction has
13 assumed concurrent jurisdiction over those offenses as provided in RCW
14 13.04.0301; ((~~or~~))

15 (v) The juvenile is sixteen or seventeen years old on the date the
16 alleged offense is committed and the alleged offense is:

17 (A) A serious violent offense as defined in RCW 9.94A.030;

18 (B) A violent offense as defined in RCW 9.94A.030 and the juvenile
19 has a criminal history consisting of: (I) One or more prior serious
20 violent offenses; (II) two or more prior violent offenses; or (III)
21 three or more of any combination of the following offenses: Any class
22 A felony, any class B felony, vehicular assault, or manslaughter in the
23 second degree, all of which must have been committed after the
24 juvenile's thirteenth birthday and prosecuted separately;

25 (C) Robbery in the first degree, rape of a child in the first
26 degree, or drive-by shooting, committed on or after July 1, 1997;

27 (D) Burglary in the first degree committed on or after July 1,
28 1997, and the juvenile has a criminal history consisting of one or more
29 prior felony or misdemeanor offenses; or

30 (E) Any violent offense as defined in RCW 9.94A.030 committed on or
31 after July 1, 1997, and the juvenile is alleged to have been armed with
32 a firearm.

33 (I) In such a case the adult criminal court shall have exclusive
34 original jurisdiction, except as provided in (e)(v)(E)(II) of this
35 subsection.

36 (II) The juvenile court shall have exclusive jurisdiction over the
37 disposition of any remaining charges in any case in which the juvenile
38 is found not guilty in the adult criminal court of the charge or

1 charges for which he or she was transferred, or is convicted in the
2 adult criminal court of a lesser included offense that is not also an
3 offense listed in (e)(v) of this subsection. The juvenile court shall
4 enter an order extending juvenile court jurisdiction if the juvenile
5 has turned eighteen years of age during the adult criminal court
6 proceedings pursuant to RCW 13.40.300. However, once the case is
7 returned to juvenile court, the court may hold a decline hearing
8 pursuant to RCW 13.40.110 to determine whether to retain the case in
9 juvenile court for the purpose of disposition or return the case to
10 adult criminal court for sentencing.

11 If the juvenile challenges the state's determination of the
12 juvenile's criminal history under (e)(v) of this subsection, the state
13 may establish the offender's criminal history by a preponderance of the
14 evidence. If the criminal history consists of adjudications entered
15 upon a plea of guilty, the state shall not bear a burden of
16 establishing the knowing and voluntariness of the plea; or

17 (vi) The alleged offense is vehicular assault under RCW
18 46.61.522(1)(b) or vehicular homicide under RCW 46.61.520;

19 (f) Under the interstate compact on juveniles as provided in
20 chapter 13.24 RCW;

21 (g) Relating to termination of a diversion agreement under RCW
22 13.40.080, including a proceeding in which the divertee has attained
23 eighteen years of age;

24 (h) Relating to court validation of a voluntary consent to an out-
25 of-home placement under chapter 13.34 RCW, by the parent or Indian
26 custodian of an Indian child, except if the parent or Indian custodian
27 and child are residents of or domiciled within the boundaries of a
28 federally recognized Indian reservation over which the tribe exercises
29 exclusive jurisdiction;

30 (i) Relating to petitions to compel disclosure of information filed
31 by the department of social and health services pursuant to RCW
32 74.13.042; and

33 (j) Relating to judicial determinations and permanency planning
34 hearings involving (~~developmentally disabled~~) children who are
35 developmentally disabled and who have been placed in out-of-home care
36 pursuant to a voluntary placement agreement between the child's parent,
37 guardian, or legal custodian and the department of social and health
38 services.

1 (2) The family court shall have concurrent original jurisdiction
2 with the juvenile court over all proceedings under this section if the
3 superior court judges of a county authorize concurrent jurisdiction as
4 provided in RCW 26.12.010.

5 (3) The juvenile court shall have concurrent original jurisdiction
6 with the family court over child custody proceedings under chapter
7 26.10 RCW as provided for in RCW 13.34.155.

8 (4) A juvenile subject to adult superior court jurisdiction under
9 subsection (1)(e)(i) through (~~(v)~~) (vi) of this section, who is
10 detained pending trial, may be detained in a detention facility as
11 defined in RCW 13.40.020 pending sentencing or a dismissal.

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